UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09-cy-15-RJC-DCK

BSN MEDICAL, INC., Plaintiff,)	
v.)	<u>ORDER</u>
PARKER MEDICAL ASSOCIATES an A. BRUCE PARKER,) (d)	
Defendants.)	

THIS MATTER is before the Court on the parties' Joint Motion to Reset Deadlines and Proposed Discovery Plan (Doc. No. 84).

The plaintiff initially filed this lawsuit against the defendants in January of 2009, asserting a claim for copyright infringement and four additional claims under state law. (Doc. No. 1). On April 24, 2009, the plaintiff filed its First Amended Complaint with the Court's leave, reasserting the five original claims and adding a claim for false advertising under the Lanham Act and a claim for tortious interference. (Doc. No. 15). The Court issued a Pretrial Order and Case Management Plan setting discovery deadlines and scheduling trial for July 12, 2010. (Doc. No. 16).

Then, on February 24, 2010, the plaintiff filed a motion for leave to file a Second Amended Complaint, seeking to add an eighth claim for fraud, the basis for this new claim becoming apparent during the discovery process. (Doc. No. 37). Subsequently, with the Court's leave, the plaintiff filed its Second Amended Complaint on April 14, 2010. (Doc. No. 63). Finally, on May 3, 2010, the defendants filed an answer to the Second Amended Complaint and asserted new counterclaims for false advertising under the Lanham Act and unfair and deceptive trade practices. (Doc. No. 71). In light of these developments, the parties now jointly move to amend the deadlines and trial date set in the Court's scheduling order.

Good cause having been shown, the Court amends its scheduling order as follows:

DEADLINES AT A GLANCE

Discovery Completion: November 30, 2010

Expert Reports: October 29, 2010 (in support of

plaintiff's claims and defendant's

counterclaims)

December 15, 2010 (in response to plaintiff's claims and defendant's

counterclaims)

Mediation: February 15, 2011 **Dispositive Motions: January 31, 2011** Trial:

May 16, 2011

Discovery limitations in this case are also amended as follows: Each side may propound no more than 20 interrogatories, including subparts and no more than 20 requests for admission. The number of depositions shall be limited to 7 per side, not including expert depositions. Each side shall be afforded one deposition per expert, provided that expert is relied upon in this case.

IT IS, THEREFORE, ORDERED that the parties' Joint Motion to Reset Deadlines and Proposed Discovery Plan (Doc. No. 84) is **GRANTED**.

Signed: June 10, 2010

Robert J. Conrad, Jr.

Chief United States District Judge